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California, ex rel. B. B. Blevins, Director, California
Department of Toxic Substances Control

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ORANGE

SANTA ANA DIVISION

**People of the State of California,
ex rel. B. B. Blevins, Director, California
Department of Toxic Substances Control,**

Plaintiff,

v.

SPS Technologies, LLC, et al.,

Defendants.

CASE NO. 04CC00718

**STIPULATION FOR ENTRY
OF FINAL JUDGMENT AND
INJUNCTION**

Assigned For All Purposes To:

The Hon. David C. Velasquez

Trial Date: NONE SET

Action Filed: 12/20/ 2004

Plaintiff, the People of the State of California, ex rel. B. B. Blevins, Director of the
California Department of Toxic Substances Control ("Department") and Defendant SPS
Technologies, LLC ("SPS Technologies") enter into this Stipulation for Entry of Final Judgment
and Injunction ("Stipulation") as follows:

1. **SPS Technologies.** SPS Technologies is a foreign limited liability company,
organized in the State of Pennsylvania, and is duly registered and authorized to conduct business
in California. SPS Technologies is a successor company to SPS Technologies, Inc. SPS

Technologies is a “person” as defined by Health and Safety Code section 25118 and is also a “generator,” and an “owner or operator” as defined by California Code of Regulations, title 22, section 66260.10. SPS Technologies owns and operates a facility located at 2701 South Harbor Blvd., Santa Ana, California (hereinafter referred to as the “Facility”).

2. **Inspection and Investigation Activities.** On or about December 18, 2002, representatives of the Department conducted an on-site compliance evaluation inspection of SPS Technologies’ Facility. Additional follow-up inspection activities were conducted by the Department thereafter.

3. **Alleged Violations of the Hazardous Waste Control Law.** The Complaint for Civil Penalties and Injunctive Relief (“Complaint”) filed in this proceeding, in paragraphs 27 through 74, generally alleges the following violations against SPS Technologies: (1) Failure to Obtain Chemical and Physical Analysis of Hazardous Waste, (2) Failure to Provide Separate Secondary Containment for Incompatible Hazardous Wastes, (3) Failure to Inspect Tanks Containing Hazardous Wastes, (4) Failure to Maintain Security at the Hazardous Waste Treatment Area, (5) Failure to Properly Label Hazardous Waste Containers, (6) Failure to Properly Close Hazardous Waste Containers, (7) Failure to Properly Train Personnel And Maintain Appropriate Documentation, (8) Failure to Obtain Hazardous Waste Treatment Tank Assessment by Certified Engineer, (9) Illegal Storage of Hazardous Waste, and (10) Illegal Treatment of Hazardous Waste.

4. **Agreement to Settle Dispute.** A dispute exists regarding the violations alleged in the Complaint filed in this action. The Department and SPS Technologies, as parties to this Stipulation, wish to avoid the expense of further litigation and to ensure compliance with applicable hazardous waste laws and regulations. Therefore, the parties have agreed to resolve this civil action by mutually consenting to the entry by the Superior Court of Orange County (“Court”) of the Final Judgment and Injunction Pursuant to Stipulation in the form attached hereto and labeled as “Exhibit A” (“Judgment”).

5. **Jurisdiction and Venue.** Jurisdiction exists over this matter pursuant to Health and Safety Code sections 25181, 25189 and 25189.2. Venue is proper pursuant to Health and

Safety Code section 25183.

6. **Waiver of Hearing.** SPS Technologies waives any right to a judicial hearing in this matter prior to the entry of the Judgment.

7. **Scope of Settlement.** This Stipulation and the approval and entry by the Court of the Judgment shall constitute full settlement of the violations alleged in the Complaint. This Stipulation and the Judgment shall not settle any other violations or restrict in any way the Department from taking appropriate enforcement action concerning any violations not specifically identified in the Complaint. The provisions of this paragraph are also expressly conditioned on full and complete performance by SPS Technologies of all of the terms and conditions of the Stipulation and the Judgment.

7.1. Nothing in the Stipulation or the Judgment is intended nor shall they be construed to preclude any other State agency, department, board, or entity from taking appropriate enforcement actions or otherwise exercising its authority under any law, statute or regulation.

8. **Admission of Liability.** SPS Technologies admits the violations alleged in the Second (Failure to Provide Separate Secondary Containment for Incompatible Hazardous Wastes) and Eighth (Failure to Obtain Hazardous Waste Treatment Tank Assessment by Certified Engineer) Causes of Action of the Complaint.

OTHER PROVISIONS

9. **Compliance with Applicable Laws:** SPS Technologies shall carry out this Stipulation and the Judgment in compliance with all local, State, and federal requirements.

10. **Liability**: Nothing in this Stipulation or the Judgment shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of SPS Technologies, except as provided in this Stipulation and the Judgment. Notwithstanding compliance with the terms of this Stipulation or the Judgment, SPS Technologies may be required to take further actions as are necessary to protect public health or welfare or the environment.

11. **Access:** Access to SPS Technologies' Facility shall be provided at all reasonable

1 times to employees, contractors, and consultants of the Department, and any agency having
2 jurisdiction. Nothing in this Stipulation or the Judgment is intended to limit in any way the right
3 of entry or inspection that the Department or any other agency may otherwise have by operation
4 of any law.

5 12. **Additional Enforcement Actions.** The Department reserves the right to take any
6 further enforcement action concerning any violation of law not specifically alleged in paragraphs
7 27 through 74 of the Complaint filed in this action.

8 13. **Parties Bound.** This Stipulation and the Judgment shall apply to and be binding
9 upon SPS Technologies and its officers, directors, agents, receivers, trustees, employees,
10 contractors, consultants, successors, and assignees, and upon the Department and any successor
11 agency of the Department that may have responsibility for and jurisdiction over the subject
12 matter of this Stipulation and the Judgment.

13 14. **Entire Agreement.** This Stipulation and the Judgment comprise the entire
14 agreement and understanding of the parties with respect to the entire subject matter hereof, and
15 any and all prior discussions, negotiations, commitments and understandings related hereto. No
16 representations, oral or otherwise, express or implied, other than those contained herein have
17 been made by any party hereto. No other agreements not specifically referred to herein, oral or
18 otherwise, shall be deemed to exist or to bind any of the parties.

19 15. **Authorization to Settle.** Each signatory to this Stipulation certifies that he or she
20 is fully authorized by the party he or she represents to enter into this Stipulation on behalf of the
21 party represented and legally to bind that party.

22 16. **Modification.** This Stipulation may be modified from time to time by express
23 written agreement of the parties and in accordance with law.

24 17. **Filing of Stipulation and Entry of Judgment Required.** The filing of this
25 Stipulation and Judgment may be made by the ex parte appearance of the Department without
26 further notice to SPS Technologies. The Judgment shall be null and void, and be without any
27 force or effect, unless entered by the Court in this matter. If the Judgment is not entered by the
28 Court, the execution of this Stipulation by SPS Technologies and the Department shall not be

1 construed as an admission by SPS Technologies or the Department of any fact, conclusion of
2 law, issue of law, or violation of law.

3 18. **Governing Law.** The terms of this Stipulation and the Judgment shall be
4 governed by the laws of the State of California.

5 19. **Counterparts and Facsimile.** This Stipulation may be executed in counterparts
6 and facsimile, each of which shall be deemed an original, and all of which, when taken together,
7 shall constitute one and the same document.

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9 **APPROVALS OF THE PARTIES**

10 **IT IS SO AGREED.**

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

11
12 Dated: April 13, 2005

Original signed by Kim F. Wilhelm
Kim Wilhelm, Chief
Statewide Compliance Division
California Department of Toxic Substances Control
1001 I Street
P.O. Box 806
Sacramento, CA 95812-0806

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17 **IT IS SO AGREED.**

SPS Technologies, LLC

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19 Dated: April 7, 2005

Original signed by Thomas W. McDonnell

(Name of Authorized Representative)

V P Finance

(Title of Authorized Representative)

1 **APPROVED AS TO FORM:**

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BILL LOCKYER, Attorney General of the State of California
TOM GREENE, Chief Assistant Attorney General
4 THEODORA BERGER, Senior Assistant Attorney General
5 TIMOTHY R. PATTERSON, Supervising Deputy Attorney General

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Dated: April 8, 2005 Original signed by Edward H. Ochoa
EDWARD H. OCHOA, Deputy Attorney General

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Attorneys for Plaintiff People of the State of California, ex rel. B. B.
Blevins, Director, California Department of Toxic Substances Control

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STOEL RIVES LLP

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Dated: April 7, 2005 Original signed by Lawrence S. Bazel
13 LAWRENCE S. BAZEL, Esq.

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Attorneys for Defendant SPS Technologies, LLC

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EXHIBIT A

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
SANTA ANA DIVISION**

**People of the State of California,
ex rel. B. B. Blevins, Director, California
Department of Toxic Substances Control,**

Plaintiff,

v.

SPS Technologies, LLC, et al.,

Defendants.

CASE NO. 04CC00718

**FINAL JUDGMENT AND
INJUNCTION PURSUANT
TO STIPULATION**

Assigned For All Purposes To:
The Hon. David C. Velasquez

Plaintiff, the People of the State of California, ex rel. B. B. Blevins, Director of the California Department of Toxic Substances Control (“Department”) and Defendant SPS Technologies, LLC (“SPS Technologies”), having consented to the entry of this Final Judgment and Injunction Pursuant to Stipulation (“Judgment”) prior to the taking of any proof and without trial or adjudication of any fact or law herein; and

The Court having considered the pleadings, which consist of the Complaint, Answer, the parties’ Stipulation for Entry of Final Judgment, and the proposed Final Judgment and Injunction Pursuant to Stipulation;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

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2 Charles A. McLaughlin, Chief
3 State Oversight and Enforcement Branch
4 Statewide Compliance Division
5 Department of Toxic Substances Control
6 8800 Cal Center Drive
7 Sacramento, California 95826-3200

8 and

9 Edward H. Ochoa, Deputy Attorney General
10 Office of the Attorney General
11 110 West A Street, Suite 1100
12 San Diego, CA 92101

13 **ADDITIONAL STIPULATED PENALTIES**

14 **FOR FAILURE TO COMPLY WITH PAYMENT SCHEDULE**

15 5. If defendant SPS Technologies, LLC fails to meet the payment deadline for civil
16 penalties set forth in Paragraph 4 of this Judgment, defendant SPS Technologies, LLC shall be
17 obligated to pay the Department an additional amount of five hundred dollars (\$500.00) per day,
18 for each day following any such payment deadline during which SPS Technologies, LLC has not
19 paid the amount owed.

20 **OTHER PROVISIONS**

21 6. **Retention of Jurisdiction.** The Court shall retain jurisdiction of this matter to
22 implement this Judgment.

23 7. **Enforcement of Judgment.** Either party may, by motion or order to show cause
24 before the Superior Court of Orange County, enforce the terms and conditions contained in this
25 Judgment. Where a failure to comply with this Judgment constitutes future violations of the
26 Hazardous Waste Control Law, Health and Safety Code section 25100 et seq., or other laws,
27 independent of this Judgment and/or those alleged in the Complaint, the Department is not
28 limited to enforcement of this Judgment, but may seek in another action, subject to satisfaction
of any procedural requirements, including notice requirements, whatever fines, costs, fees,
penalties or remedies are provided by law for failure to comply with the Hazardous Waste

1 Control Law or other laws. However, the rights of defendant SPS Technologies, LLC to defend
2 itself and its actions in law or equity shall not be abrogated or reduced in any fashion by the
3 terms of this paragraph and SPS Technologies, LLC shall be entitled to raise any and all
4 applicable defenses, rights and remedies.

5 8. **Modification.** This Judgment may be modified from time to time by express
6 written agreement of the parties, with the approval of the Court, or by an order of this Court in
7 accordance with law.

8 9. **Entry of Judgment.** The Clerk of the Court is ordered to immediately enter this
9 Judgment.

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11 **IT IS SO ORDERED, ADJUDGED AND DECREED.**

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14 Dated: April 20, 2005

Original signed by David C. Velasquez
Judge of the Superior Court